

The Gazette of India

EXTRAORDINARY

PART II—Section 3

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No. 165] NEW DELHI, FRIDAY, MARCH 29, 1957

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 27th March 1957

S.R.O. 1003.—Whereas the election of Shri Shibban Lal Saxena as a member of the House of the People from the Gorakhpur District (North) constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (XLIII of 1951), by Shri Mahadeva, son of Shri Parameshwar Prasad, resident of house No. 28, Anandnagar (Bazar);

And, whereas, the Election Tribunal appointed by the Election Commission, in pursuance of the provisions of Section 86 of the said Act, for the trial of the said election petition has, in pursuance of the provisions contained in section 103 of the Act, sent a copy of its Order to the Commission;

Now, therefore, in pursuance of the provisions of Section 106 of the said Act, the Election Commission hereby publishes the said Order of the Tribunal.

BEFORE THE ELECTION TRIBUNAL, GORAKHPUR

PRESENT: Sri M. S. Saxena—*Chairman*.

Sri Kamta Nath Gupta and Sri Rai Rajeshwari Pd.—*Members*.

ELECTION PETITION No. 8 of 1955

Sri Mahadeva—*Petitioner*.

versus

Sri Shibban Lal Saxena and 2 others—*Respondents*.

JUDGMENT

Sri Mahadeva has filed this election petition against Sri Shibban Lal Saxena, Pt. Govind Malaviya, and Sri Hori Lal, respondents Nos. 1 to 3, challenging the election of the respondent No. 1 to the House of People from a single member Parliamentary constituency of Gorakhpur district (North) held on February 27, 1955. The election was challenged on various grounds.

Sri Shibban Lal Saxena filed a written statement traversing the grounds on which the said election was challenged. The other two respondents have not appeared to contest the petition.

Since the petitioner has filed an application today (paper No. 82/A) *praying for the withdrawal of the petition* and its dismissal, it is not necessary to set out the grounds on which the said petition was filed and contested by respondent No. 1.

A large number of issues were framed, but since the application has been filed for dismissal of the election petition, it is not necessary to set them out in detail or to record any finding thereon. The Tribunal had fixed today for recording of the evidence of the petitioner but no evidence has been produced and an application has been filed asking for the dismissal of the election petition. Sri Shibban Lal Saxena, respondent No. 1, gives up his costs. Respondents Nos. 2 and 3 have not appeared to contest the election petition. They shall bear their own costs, as also the petitioner and the respondent No. 1 who have agreed to give up their own costs.

ORDER

The election petition is dismissed. The parties shall bear their own costs.

(Sd.) M. S. SAXENA,
Chairman.

(Sd.) K. N. GUPTA,

(Sd.) R. R. PRASAD,
Members.

The 21st March, 1957.

[No. 82/8/55/1863.]

By Order,

A. KRISHNASWAMY AIYANGAR, Secy.